

04-557

No. 608/04

The Embassy of the United States of America presents its compliments to the Commission of the African Union (AU) and has the honor to refer to discussions between representatives of the U.S. Government and the African Union regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services from the United States of America to the African Union.

In accordance with these discussions, it is proposed that the African Union agree:

A. That, unless the consent of the Government of the United States of America has been first obtained, the African Union shall not:

- (i) permit any use of any such defense article, related training including training materials, or other defense service by anyone not an officer, employee or agent of the African Union;
- (ii) transfer, or permit any officer, employee or agent of the African Union to transfer, any such defense article, related training including training materials, or other defense service by gift, sale or otherwise; or
- (iii) use or permit the use of any such defense article, related training including training materials, or other defense service for purposes other than those for which provided;

B. That said articles, related training including training materials, or defense

services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were provided, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the African Union in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the African Union shall maintain the security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles, related training to include training materials, or other defense services by the Government of the United States of America; that it shall, as the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the African Union; and

E. That the Government of the United States of America may also, from time to time, make the provision of other articles, services, and related training provided under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this Agreement⁶. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Commission's reply stating that the foregoing is acceptable to the African Union shall, together with this note, constitute an Agreement between the Government of the United States of America and the African Union, which shall enter force on the date of the Commission's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Commission of the African Union the assurances of its highest consideration.

Embassy of the United States of America,

Addis Ababa, August 27, 2004



AFRICAN UNION

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UNION AFRICAINE

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The Commission of the African Union presents its compliments to the Embassy of the United States of America in Addis Ababa and has the honour to refer to the latter's Note No. 608/04 of 27 August 2004, regarding "grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training and other defense services from the USA, to the African Union".

The Commission wishes to inform the esteemed Embassy that it accepts the Terms and Conditions stated in the Note under reference, as constituting an Agreement between the Government of the United States of America and the African Union.

The Commission wishes once again to express appreciation to the Government of the United States of America, for the support it has extended to Peace and Security initiatives taken by the AU.

The Commission of the African Union avails itself of this opportunity to renew to the Embassy of the United States of America, the assurance of its highest consideration.



Addis Ababa, 06 September 2004

**EMBASSY OF THE UNITED STATES OF AMERICA
ADDIS ABABA, ETHIOPIA.**